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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,754	01/22/2004	Behrouz Poustchi	3655/0275PUS2	5581
47827	7590	04/23/2008		
MG-IP Law, PLLC PO BOX 1364 FAIRFAX, VA 22038-1364			EXAMINER GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			04/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,754	POUSTCHI ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-57 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 14-26 and 57** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 14 and 22 are single means claims. Claim 57 is a single step claim.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- Claims 32-54** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An article of manufacture is a non-statutory subject matter and is not patentable.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-8, 12-31, and 55-57** are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. (US 6,320,951 B1).

Regarding **claims 1, 14, 22, 27 and 55-57**, Wang discloses a network device adapted to process a call between the network device and a first other network device (column 1, lines 7-11), the network device comprising:

a user interface adapted to receive a user input requesting a call transfer to a second other network device [The transferring includes the user inputting a second number into the portable computer 320 corresponding to the second network connected device, column 14, lines 41-54]; and

a call transfer function responsive to the user input to deliver call transfer functionality by, upon receipt of the user input (column 14, lines 41-66):

a) initiating a connection from the network device to the second other network device [The portable computer 320 transmits the input data to the telephone 240, column 14, lines 41-54]; and

b) sending a first message to the first other network device containing a reference to the second other network device [the portable computer 320 receiving an incoming call message from the telephone 240, column 14, lines 55-66).

Regarding **claims 2, 15, 23 and 28**, Wang discloses a network device wherein the call transfer function is further adapted to, upon receipt of the input: send a second message to the first other network device to place the call on hold (column 15, lines 6-31).

Regarding **claims 3, 16, 24 and 29**, Wang discloses a network device comprising a call processing module adapted to process the call, the call processing module comprising the call transfer function (column 15, lines 6-31).

Regarding **claims 4, 17, 25 and 30**, Wang discloses a network device wherein the first message contains a reference to the connection (column 14, lines 55-66).

Regarding **claims 5, 18, 26 and 31**, Wang discloses a network device wherein the call transfer function is adapted to send the second message after a user at the network device hangs up or presses a transfer key (column 15, lines 6-31).

Regarding **claims 6 and 19**, Wang discloses a network device wherein the call processing module is adapted to terminate the call upon receiving a message from the first other network device, which represents that the first other network device has established a media path with the second other network device (column 15, lines 32-50).

Regarding **claims 7 and 20**, Wang discloses a network device wherein the call processing module is adapted to send the first message before or after a media path is established with the second other network device (column 15, lines 51-62).

Regarding **claims 8 and 21**, Wang discloses a network device wherein the first message is sent upon receipt of a response from the second other network device and wherein upon receipt of the response from the second network device, and prior to sending the first message to the first other network device containing a reference to the connection, the call processing module is adapted to establish a media path between the network device and the second other network device (column 15, lines 6-31).

Regarding **claim 12**, Wang discloses a network device wherein the network device is one of a telephone, a video phone, a PDA, a soft phone, a wireless device, a wireless telephone, and a cell phone (column 15, lines 6-31).

Regarding **claim 13**, Wang discloses a network device wherein the network device is a VoIP telephone (column 15, lines 6-31).

Allowable Subject Matter

6. **Claims 9-11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

GG
April 23, 2008